

Promulgated Rules Attached to Chapter 56 of the Decatur City Code

In accordance with the responsibilities and authority delegated to the City Manager of Decatur by Chapter 56 of the City Code to make and enforce rules and regulations related to refuse removal, the following rules and regulations are hereby promulgated, and are effective from and after passage and approval of comprehensive amendments to said Chapter 56, adopted by the Decatur City Council on the 4th day of December, 2023.

Rule #1:

“Residential Service Area” shall mean the geographical area in which trash, refuse or garbage is collected, and in which such services can be economically, safely and effectively provided. Each residential service area shall be identified by a numerical code assigned by the city of Decatur. The geographic limitations of each residential service area, whether contiguous or not, shall be served by one licensed hauler, and the name of the hauler and each hauler’s assigned numerical code shall be affixed to a map maintained by the city. In addition to this map, the city will maintain a detailed description of the Residential Service Area that uses commonly established landmarks, such as street names, railroad tracks, creek and lake edges, etc.

Rule #2:

Each applicant for a garbage hauler’s license shall provide, annually by December 1st of each year, the following information on forms provided by the city:

- a. The name of his/her company. The applicant shall also identify the nature of ownership of the hauler’s company (individual, partnership, corporation).
- b. Each partner of a partnership application shall be separately identified by name, with address, telephone number and email address.
- c. Each corporation shall provide the names, addresses, telephone numbers and email addresses for the manager, registered agent, and the corporate offices of the corporation.
- d. Each applicant shall annually provide to the city a list of names and addresses where they are providing garbage and refuse removal services and billing for the same.
- e. Each applicant shall annually provide to the city a list of vehicles they are using to provide garbage and refuse removal services in the city with a current vehicle inspection report for each vehicle.

- f. Each applicant shall annually provide a telephone number they will use, and publicize, as the telephone number for customers to call for questions, complaints, to terminate or commence garbage service and other inquiries. While automated answering is allowed, this number MUST provide a way for a caller/customer to talk in real time to a customer service representative.
- g. Each applicant shall annually provide (or more often as necessary) to the city updated information about changes to their residential service area, collection days for service in different neighborhoods, those holidays on which garbage and refuse will not be collected, and alternative days for collection when holidays interrupt normal collection.
- h. In the event licensed haulers fail to submit the required information prior to December 1st of every year, a late fee of ten dollars (\$10.00) will be assessed for each day after December 1st the application remains incomplete. A license is considered incomplete if it does not have all of the information required by Chapter 56 of the City Code, AND the information required by these Promulgated Rules.

Rule #3:

Licensees are required to notify their customers and the city of Decatur of any changes to service scope and times that may be necessitated by emergencies and adverse weather conditions. The hauler must notify the city of such changes no later than one (1) day after the emergency or adverse weather condition. Failing to make timely notification will result in a fine to the hauler in the amount of ten dollars (\$10.00) for each day notification is not made after the date of the emergency or adverse weather conditions.

Rule #4:

Maximum rates for garbage collection, recycling and basic yard waste shall be those set forth in an appendix of approved fees attached to Chapter 56, the specific language of Chapter 56, or by Promulgated Rules, approved by the City Council or the city manager (whichever may be required), and filed with the Office of the City Clerk. NO OTHER CHARGES AND FEES MAY BE ASSESSED BY HAULERS other than those expressly and specifically authorized by Chapter 56, the rates appendix to Chapter 56, and these Promulgated Rules.

Rule #5:

From and after the passage and approval of comprehensive amendments to said Chapter 56, adopted by the Decatur City Council on the 4th day of December, 2023, all totes and containers distributed by the haulers will be owned by the haulers, and shall be on loan to the customer. There will be no rental fee for providing said totes and containers, since the cost of providing totes and containers to customers has been included in the approved rates. Customers who

wish to be provided a hauler distributed tote or container may schedule such distribution with the hauler.

Rule #6:

From and after passage and approval of comprehensive amendments to Chapter 56, adopted by the Decatur City Council on the 4th day of December, 2023, haulers will transition to collection at the street curb, and discontinue most alley collections. Discontinuation of alley service will occur gradually over several months (but not more than 4 months) in accordance with a timetable approved by the City Manager's Office. Based on recommendations from customers and/or determinations by the hauler that it is (or may be) more practical to continue alley collection in some cases. The hauler (and not the customer) alone may determine to retain alley collection in selected locations. To the greatest extent possible, however, garbage, recycling and yardwaste service will be provided by the licensed hauler from the street curb.

Rule #7:

The liability for lost, stolen or damaged containers will rest solely with the licensed hauler, who will retain ownership of all totes and containers except those purchased independently by customers, without prejudice to the customer. Licensed haulers will provide totes and approved containers to residential customers as defined in Chapter 56 without additional charge, including replacement containers necessary due to normal wear and tear. However, where the hauler can demonstrate that the customer has stolen containers or engages in a pattern and practice of damaging them, then the hauler may assess a replacement charge. But haulers will continue to provide tote and container service as stipulated in Chapter 56 so long as the customer pays the bill in a timely fashion and complies with use regulations contained in Chapter 56 and these Promulgated Rules.

Rule #8:

"Basic Service" shall be defined as one (1) 64-gallon OR 96-gallon wheeled tote/container for household garbage, plus one (1) 64-gallon OR 96-gallon container for household recycling (marked for recycling only), plus collection of an unlimited number of approved bags and other containers of yardwaste for six weeks in the Spring beginning April 1, and for six weeks in the Fall beginning November 1. Only approved 64 and 96 gallon wheeled tote containers can be used for household garbage and recycling collection. Other unapproved containers of other sizes may be used only for yardwaste and irregular collection of special or bulky wastes for which the hauler is allowed to charge extra fees. "Extended Basic Service" means more than one (1) tote/containers (whether 64-gallon or 96-gallon size), and extra tote/containers for garbage will be provided to customers for an extra monthly fee of eleven dollars (\$11.00) per month per tote. Additional or extra 64-gallon totes used exclusively for recycling will be provided at no extra charge.

Rule #9:

Residential garbage and recycling customers should position totes and carts in accordance with instructions from their haulers to facilitate mechanical collection and, thereby, reduce the possibility of loose debris not being collected.

Rule #10:

Large item pick-ups will take place at the curb as provided in Chapter 56, and licensees will have no obligation to collect large, bulky waste items not brought to the curb. Customers must schedule the large item pick-up by contacting their assigned hauler to inform them that they want one of their 5 annually permitted free large, bulky waste pick-ups; the hauler will record and keep track of the number of large, bulky waste pick-ups for each address. Large, bulky waste pick-ups may include white good appliances (there is a \$20 extra fee for appliances with refrigerant), and additional large household items like furniture that will not fit into an approved tote or container. Certain household hazardous wastes and electronics items CANNOT be included in large, bulky waste pick-ups. Each licensed hauler, on or about January 1st of every year, will notify household customers to whom they issue bills for service of the availability of large item bulky waste removal service and the rules for the same. Through December 31, 2024, containers which do not meet the approved standards for automated or semi-automated pick up can be scheduled with the hauler for pick-up to be removed by the hauler at no charge and this will not be considered to be one of the five (5) annual large item pick ups.

Rule #11:

For an extra fee, customers may arrange for additional yardwaste collection services at other times of the year, and for bulky waste collection and disposal beyond what is allowed free to every residential customer five (5) times each year by Chapter 56 of the City Code. Each licensed hauler will post their extra or premium yardwaste fees with the city and inform their customers of the availability of such extra/premium services and associated fees. While residential customers cannot “opt-out” of collection by their assigned hauler for “Basic Services,” residents can hire any licensed hauler they wish if they elect to pay for and receive extra/premium yardwaste services. No extra fees described herein can be charged unless the hauler has filed detailed notice of the same with the city at least 30 days prior to any assessment/billing of such fees, and so long as they are not in conflict with any provisions of Chapter 56 or these Promulgated Rules.

Rule #12:

A customer’s account may be in the name of the property owner or the tenant, but in the event a tenant remains delinquent in paying garbage and recycling fees, the balance will become a liability of the property owner.

Rule #13:

The city is empowered to alter Residential Service Area boundaries in the interests of efficient collection and operations, but will generally seek to maintain an approximate and consistent number of customers as the hauler had prior to boundary revisions, unless a hauler has been given notice that they have established a pattern of not providing services reasonably or timely in response to complaints from the city and/or customers, as stipulated in Chapter 56. Whenever service to one or more residences is sought to be changed from one licensee to another, notice of application and intent shall be given to the effected haulers not less than 15 days, nor more than 30 days, prior to the change, with notice to the City Clerk.

Rule #14:

The Inspections Division of the city's Department of Economic & Community Development shall be responsible for receiving and processing complaints regarding the provisions of Chapter 56 and hauler performance in general. The Inspections Division will monthly transmit to the city's Finance Department a report of hauler service complaints. This information will be retained by the business licensing staff and made a part of the licensee's file. Complaints filed with the city in this way can become a part of any action to suspend a licensee's permit, reassign their routes, bid out certain territory, and take other actions to deal with poor service as provided by Chapter 56.

Rule #15:

When a license is revoked in accordance with procedures delineated in Chapter 56 of the City Code, the city manager will notify the public of the availability of a license for all or a portion of a Residential Service Area.

Rule #16:

Licensed haulers shall bill residents for services in increments not exceeding two (2) months. For any two-month billing period, the payment due date shall be the last day of the first month. Each bill must contain the following information: 1) billing period and due date, 2) itemized and total amounts due, 3) the address for which service is provided, and 4) the hauler's contact information, address and telephone number (the number for complaints as required by Rule #2). Fees for excess garbage beyond "Basic Service," or for large, bulky waste collection beyond the annually allowed 5 free pick-ups can be added to a customer's bill without prior notification so long as it has been photographically documented by the hauler/licensee. Bags of garbage left on top of, or adjacent to, approved tote/containers will be collected by the hauler/licensee, but the hauler may assess a five-dollar (\$5.00) fee for each such bag on the next bill. If extra garbage and debris not fitting into totes and approved containers is not bagged, the fee for collection and disposal will be as per the hauler's posted rates for excess overage (if not agreed to in advance by the customer), and must be photographically documented by the hauler in conjunction with billing.

Rule #17:

Extra fees (or overage charges) for excess garbage, recycling and debris assessed by licensees and haulers cannot be billed to customers unless the excess garbage is clearly and indisputably outside the capacity of totes and containers to hold. In other words, just because the tote/container's lid does not completely close is insufficient reason to assess extra fees; but if garbage and debris is sitting on top of the tote/container, beside the tote/container or in the vicinity of approved containers, then it is eligible for extra fees. Customers are encouraged to select the level of service and number of containers that best conforms to their regular patterns of trash generation.

Rule #18:

It is the intention of the city that all residential properties in the city of Decatur have regular refuse and recycling service. Each residential property owner or tenant may temporarily interrupt and stop garbage and recycling collection for two months or longer by scheduling with the appropriate hauler in advance. The hauler is not required to assess a voluntary interruption charge, but they can assess up to \$5 for each such temporary interruption if it is properly scheduled in advance with the hauler (no more than \$5 for the entire interruption period, **not** \$5 at the start and another \$5 when service is resumed). However, if garbage service is terminated due to non-payment of bills or for violation of terms and conditions stipulated in Chapter 56, the hauler may assess up to fifty dollars (\$50) to defray their costs of terminating and restarting a delinquent or otherwise suspended account.

Rule #19:

If a licensed hauler fails to provide garbage and recycling service to a residential customer, not including large item pickups, yardwaste pickups or delays due to storms or force majeure, unless said customer is delinquent in the payment of any fees for such service or in violation with Chapter 56 or the Promulgated Rules, for a period of one week, the licensed hauler shall credit such customer's account an amount equal to fifty percent (50%) of a single monthly service rate.

Rule #20:

In addition to fees and charges authorized by Chapter 56, appendices thereto, annual adjustments, and by these Promulgated Rules, upon written request of a licensee/hauler, and approval by the City Council, rates can be further adjusted due to increased expenses and lost revenue due to circumstances outside the control of the hauler, but limited to one or more of the following causes:

- a. Uncontrollable circumstances considered as *force majeure*, and as provided in Chapter 56 and herein.

- b. Changes in applicable law that become effective after the enactment of these Promulgated Rules and the afore mentioned latest amendments to Chapter 56 that directly impact costs of services of the hauler, and which can be fully documented, and which could not be reasonably anticipated by the licensee/hauler.
- c. Increases in surcharges, fees, assessments or taxes levied by the Federal or State government, or by local regulatory authorities, directly related to Collection Services, which could not have been reasonably anticipated by the licensee.
- d. Diesel fuel costs measured by the Energy Information Administration of the U.S. Department of Energy which increase by more than ten percent (10%) above the Midwest CPI per year from the base year for a fuel surcharge to cover these increased costs.

If the licensee/hauler requests a rate adjustment pursuant to this Rule #16, it shall prepare a rate adjustment request in writing setting forth its calculations of the increased costs/lost revenue and accompanying suggested adjustments to rates necessary to offset such increased costs/lost revenue. The City may request documentation and data reasonably necessary to evaluate such request by the licensee/hauler, and may retain, at its own expense, an independent third party to audit and review such documentation and request. If such third party is retained, the City shall take reasonable steps consistent with applicable law, to protect the confidential or proprietary nature of any data or information supplied by the licensee/hauler. The City shall approve all properly calculated rate adjustments within ninety (90) days of the licensee's/hauler's request, and the adjusted rates shall be deemed to take effect upon approval by the City or ninety (90) days after the request is received, whichever comes first, unless the City formally contests the licensee/hauler request and submits evidence and documentation as to why a lesser amount should be enacted instead. In the event that the licensee/hauler rate adjustment request is based upon any new or increased third party fees, taxes, assessments or charges, then the City shall approve the requested rate adjustment within such time period as necessary to ensure that such fees, taxes, assessments or charges are passed on to Service Recipients by the date the same are effective (assuming the City has been appropriately and timely notified by the licensee/hauler).

Further, haulers may, on September 1 of each year, present to the City documentation supporting possible rate adjustments in excess of those provided herein, which will be reviewed by City Council shall review all such requests.

For purposes of this Rule #16, *force majeure* means any act of terrorism, Act of God, landslides, lightning, forest fires, storms, floods, typhoons, hurricanes, severe weather, freezing, earthquakes, volcanic eruptions, other natural disasters or the imminent threat of such natural disasters, pandemics, quarantines, civil disturbances, acts of the public enemy, wars, blockades, public riots, violent labor unrest, acts of foreign governments. *Force majeure* events are those that are unforeseeable, not within the control of the licensee/hauler, and which directly result

in losses that cannot be avoided or mitigated through negotiation, alternative scheduling and other interventions agreed upon by the licensee/hauler and the City.

Rule #21:

From and after the passage and approval of comprehensive amendments to said Chapter 56, adopted by the Decatur City Council on the 4th day of December, 2023, the city and each hauler will work together to gradually implement the new provisions of Chapter 56 and these Promulgated Rules. It is anticipated, however, that all new provisions and requirements of Chapter 56 and these Promulgated Rules will be fully implemented within 120 days of the above effective date of new amendments.